

**LYNCHBURG CITY COUNCIL**  
**Agenda Item Summary**

MEETING DATE: **May 14, 2002**

AGENDA ITEM NO.: **20**

CONSENT:

REGULAR: **X**

CLOSED SESSION:  
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Rezoning – Schaefer Oglesby, 1401 Lakeside Drive, B-3 to B-5(C)**

RECOMMENDATION: Approval of the requested rezoning.

SUMMARY: Schaefer Oglesby has petitioned for to rezone about 0.25 acres at 1401 Lakeside Drive from B-3, Community Business District, to B-5 (Conditional), General Business District, to allow the sale of used cars. The Planning Division recommended approval of the rezoning petition because:

- Petition agrees with the *General Plan*, which recommends a Business Commercial use.
- Petition is compatible with the surrounding land use and zoning in the area.

The petition was considered by the Planning Commission (PC) on March 27, at which time the PC recommended approval of the petition.

PRIOR ACTION(S): March 27, 2002:

Planning Division recommended approval of rezoning petition

Planning Commission recommended approval (6-0) of rezoning petition.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/ 847-1508, ext. 253

Bill McDonald/ 847-1508, ext. 257

ATTACHMENT(S):

- Ordinance
- PC Report
- PC minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site plan
- Photographs
- Narrative

REVIEWED BY:

AN ORDINANCE CHANGING A CERTAIN AREA FROM B-3, COMMUNITY BUSINESS DISTRICT TO B-5 (CONDITIONAL), GENERAL BUSINESS DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare, and good zoning practice that 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.\_\_\_\_. Change of a certain area from B-3, Community Business District to B-5 (Conditional), General Business District.

The area embraced within the following boundaries . . .

That certain tract or parcel of land, together with the improvements thereon, and the privileges and appurtenances thereunto belonging, situate, lying and being in the City of Lynchburg, Virginia, at the intersection of Lakeside Drive and Blueridge Street, and being designated as Parcel A on that certain plat entitled "Plat of Survey Showing: Lots 16 and 17, Block 15, Section 2, West Lynchburg Land Co., and Land Vacated by City of Lynchburg, Va.", made by Adrian Overstreet, S.C.S., dated June 1, 1972, and which said plat is attached to and made a part of a deed from Tastee Foods of Virginia, Inc., a Virginia corporation, and John C. Zehler and wife, which deed is dated June 8, 1972, and of record in the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia, in Deed Book No. 468, page 134, to which deed and the deeds and plat therein mentioned reference is here made for a more particular description, is also known as 1401 Lakeside Drive, Tax Map Nos. 014-13-002 and 014-13-003.

. . . is hereby changed from B-3, Community Business District to B-5 (Conditional), General Business District, subject to the conditions setout hereinbelow which were voluntarily proffered in writing by the owner, namely: Schaefer Oglesby, to wit:

1. The property may be used for any uses permitted by right in the B-3 District and for the sales of automobiles / light trucks from the B-5 uses.
2. The property shall be used and developed in substantial compliance with the site plan titled, "Oglesby Rezoning – Site Plan," and dated 3/11/02.
3. These conditions shall be transferable to new purchase.

And the Director of Community Planning and Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this Chapter to be amended in accordance therewith.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

104L

# The Department of Community Planning & Development

City Hall, Lynchburg, VA 24504 434-847-1508

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** March 27, 2002  
**Re:** **REZONING: B-3 to B-5 (C) at 1401 LAKESIDE DRIVE**

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## **I. PETITIONER**

R. Schaefer Oglesby, 2309 Heron Hill Place, Lynchburg, VA 24503.

**Representative:** Petitioner

## **II. LOCATION**

The subject property is a tract of about 0.25 acres located at 1401 Lakeside Drive.

**Property Owner:** Petitioner

## **III. PURPOSE**

The purpose of this petition is to rezone the subject property from B-3, Community Business District, to B-5 (Conditional), General Business District, to allow the development of the property as a used car lot.

## **IV. SUMMARY**

- Petition agrees with the *General Plan*, which recommends a Business Commercial use.
- Petition proposes a more intensive zoning classification than currently exists.
- Petition is compatible with the surrounding land use and zoning in the area.
- **The Planning Division recommends approval of the rezoning petition.**

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## **V. FINDINGS OF FACT**

1. **General Plan.** The Lynchburg *General Plan* recommends a Business Commercial use for the subject property. The subject petition proposes to rezone the property to a more intensive commercial zoning classification, as well as to continue to use the property for an office use. The proposal is in agreement with Policy 2 of the *General Plan*, which proposes that commercial expansion be limited to existing commercial areas (or clustered new development).
  - **Zoning.** The subject property was zoned residential from 1930 until 1960, at which time the zoning was changed to B-3, Community Business District. The B-3 zoning classification has remained until the present. The subject zoning petition will change the zoning classification to a more intensive {B-5 (C)} classification. The proposed zoning is the same as currently exists on the adjacent parcel across Blue Ridge Street, and the same use as exists by Conditional Use Permit from the Board of Zoning Appeals on the abutting property on Lakeside Drive (Seven Hills Auto Sales).
2. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:
  - The property may be used for any uses permitted by right in the B-3 District and for the sales of automobiles / light trucks from the B-5 uses.
  - The property shall be used and developed in substantial compliance with the site plan titled, "Oglesby Rezoning – Site Plan," and dated 3/11/02.
  - These conditions shall be transferable to new purchase.

Because the proffers were not submitted at least 21 days prior to the Planning Commission meeting, the Planning Commission must waive the time requirement of the Zoning Ordinance to consider the proffers as part of the petition. The proffers restrict the B-5 uses to the single requested use and reserves the right to develop for uses permitted by the current B-3 zoning.

3. **Board of Zoning Appeals (BZA).** No action by the BZA is necessary.

4. **Surrounding Area.** The only rezoning petitions in the vicinity of the subject property was a petition that was approved by City Council on 9/12/84 at 1311 and 1315 Lakeside Drive from B-3 to B-5 (C ) for car sales. This property is currently used for Kia Car Sales is zoned and used commercially.

The entire frontage along this portion of Lakeside Drive has been zoned or used for similar uses to the subject proposed use. The subject petition is compatible with the existing uses in the area.

5. **Site Description.** The site is approximately 0.25 acres in size with a one-story frame and block building (Ebony and Ivory Antiques). The building contains about 1,800 square feet and is not being expanded or altered. The property is practically level and a majority of the site is paved. There is an existing row of white pines along the southwestern property line and existing locust trees with additional landscaping proposed along the eastern property line (adjacent to the residence).
6. **Proposed Use of Property.** The purpose of the rezoning is to allow the sale of automobiles. The petitioner has used the structure for several years as a real estate office and proposed to continue that use for part of the structure. The existing structure will also be used for the sales office for the proposed automobile sales. The limited number of vehicles (10) for sale are to be displayed on the existing paved portion of the site. The petitioner has submitted a narrative summarizing his request. The narrative has been attached to the report.
7. **Traffic & Parking.** The City Traffic Engineer had no comments of concern regarding the subject petition, provided the petitioner restrict the flow of traffic on the property to one-way in and one-way out. This has been indicated on the site plan. The proposed use is not expected to generate a significant amount of traffic.

The site plan indicates 10 parking space for the display of vehicles and three spaces for the real estate office use. The site plan also indicates the proposed right-of-way (that will be widened) after the completion of the Crosstown Connector, which will involve street improvements for the entire length of Lakeside Drive.

8. **Storm Water Management.** The Environmental Specialist of the Robert E. Lee Soil & Water Conservation District notes that a storm water management plan will be required only if the disturbed area exceeds 1,000 square feet. Other than street drainage, the pending subdivision does propose any new disturbed areas.
9. **Impact.** The current submittal proposes the re-classification of a parcel of land for more intensive commercial purposes. The site plan indicates layout of the proposed uses. The nearest structure to the subject property is the adjacent residence (owned by the petitioner), which is located on Blue Ridge Street and is about 15 feet from the property line. The proposed development will have uses similar to existing uses in the area, as well as a more restrictive office use. The existing and proposed buffering for the subject property should minimize any adverse impact that might be created by the limited amount of commercial activity proposed by the petition. The proposed rezoning is compatible with the surrounding land uses and zoning.
10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on February 5 and noted the need for a few revisions, all of which were minor in nature and will need to be addressed by the petitioner.

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## VI. PLANNING DIVISION RECOMMENDATION

### Waiver of 21-day prior submittal:

1. That the Planning Commission waive the 21-day submittal requirement of Section 35.1-43.1 of the Zoning Ordinance to accept proffers submitted by R. Schaefer Oglesby for the property at 1401 Lakeside Drive.

### Rezoning:

2. Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the Petition of R. Schaefer Oglesby to rezone approximately 0.25 acres at 1401 Lakeside

Drive from B-3, Community Business District, to B-5 (Conditional), General Business District, to allow the use of the property for the sale of used cars.

This matter is respectfully offered for your consideration.

William K. McDonald, AICP  
Acting City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. Bruce A. McNabb, Director of Public Works  
Mr. John W. Jennings, Fire Marshal  
Ms. Judith C. Wiegand, Strategic Planner  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Karl Cooler, Building Commissioner  
Mr. Arthur L. Tolley, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mr. R. Schaefer Oglesby, Petitioner/Representative

#### VI. ATTACHMENTS

1. Vicinity Zoning Pattern  
(see attached map)
2. Vicinity Proposed Land Use  
(see attached map)
3. Site Plan (and photographs)  
(see attached site plan)
4. Narrative  
(see attached narrative)

## MINUTES FROM THE MARCH 27, 2002 PLANNING COMMISSION MEETING

Petition of Schaefer Oglesby to rezone approximately 0.25 acres at 1401 Lakeside Drive from B-3, Community Business District, to B-5 (Conditional) General Business District, to allow the sale of used cars.

Mr. Tom Martin, GIS Planner/Analyst, explained to the Commissioners that the petitioner had submitted proffers less than the 21-day requirement; therefore, there would have to be two motions for this petition. One motion would be to accept the 21-day waiver, and the second motion would be for the rezoning.

Mr. Schaefer Oglesby, 2309 Heron Hill Place, addressed the Commission concerning his request. Mr. Oglesby said he had owned the property for numerous years, which had previously been a real estate office. He said his plan was to move his real estate office back to this location and to operate a car sales for late model and antique vehicles.

Commissioner Pulliam asked how this car lot would relate to the car lot next door, and asked if the two lots would ever be connected.

Mr. Oglesby said his lot was separated from the other car lot by a street on one side and a public alley on the other side, and it would be difficult to combine both car sales without doing a lot of site work. He said it would be a very involved process and the City would have to abandon the alley.

Chair Dahlgren asked Mr. Oglesby if he had other plans for the building other than what the petition indicated.

Mr. Oglesby said he had no other plans for the building.

After further discussion, Commissioner Worthington made the following motion, which was seconded by Commissioner Wilkins and passed by the following vote:

“That the Planning Commission recommends to the City Council approval of the petition to waive the 21-day submittal requirement of Section 35.1-43.1 of the Zoning Ordinance to accept proffers submitted by R. Schaefer Oglesby for the property at 1401 Lakeside Drive.”

AYES:	Dahlgren, Echols, Flint, Pulliam, Wilkins, Worthington	6
NOES:		0
ABSTENTIONS:		0

Commissioner Worthington made the following motion, which was seconded by Commissioner Wilkins and passed by the following vote:

“That the Planning Commission recommends to the City Council approval of the petition of R. Schaefer Oglesby to rezone approximately 0.25 acres at 1401 Lakeside Drive from B-3, Community Business District, to B-5(Conditional), General Business District, to allow the use of the property for the sale of used cars.”

AYES:	Dahlgren, Echols, Flint, Pulliam, Wilkins, Worthington	6
NOES:		0
ABSTENTIONS:		0



1401 Lakeside Drive  
PETITIONER: Schaefer Oglesby  
Rezoning Request B-3 to B-5 Conditional  
MAP PREPARED BY  
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



Subject Property  
Notification Area

